



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,392	08/02/2001	Michael D. Kotzin	CS10466	5983
20280	7590	12/28/2004	EXAMINER	
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			VUONG, QUOCHIE B	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,392

Applicant(s)

KOTZIN, MICHAEL D.

Examiner

Quochien B Vuong

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 is/are allowed.
- 6) ☒ Claim(s) 1-7,9,11-13 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 8 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Luzzatto (US 5,689,802).

Regarding claim 21, Luzzatto discloses a method for communicating information via a wireless apparatus comprising: providing selectable enabling by a user of whether the wireless apparatus will allow shared use of its wireless resources with proximal wireless units (column 2, lines 35-38); and allowing shared use of wireless resources, by the wireless apparatus in response to a selected enablement of shared use (see column 2 lines 31-38 and column 3 lines 19-66).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art on pages 1-2 of the present specification (hereinafter

Art Unit: 2685

simply referred to as AAPA) in view of Luzzatto (US 5,689,802) and Malackowski et al. (US 5,752,186).

Regarding claim 1, the AAPA discloses a wireless apparatus in communication with a first wireless communication system and also in communication with a second wireless communication system (see pages 1-2 of the present specification). The AAPA fails to disclose determining whether the wireless apparatus will allow shared use of its wireless resource with proximal wireless units and providing a reward to the apparatus as recited in the claim. Luzzatto discloses determining whether the wireless apparatus will allow shared use of its wireless resource with proximal wireless units (see column 2 lines 31-38 and column 3 lines 19-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Luzzatto to the AAPA, in order to increase the communication range of proximal wireless units (as suggested by Luzzatto at column 1 lines 10-39). The combination of the admitted prior art and Luzzatto fails to disclose providing a reward to the apparatus as recited in the claim. However, Malackowski discloses providing a reward to a communication apparatus when the user of the communication apparatus agrees to participate a service (see column 3 lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Malackowski to the above combination, in order to encourage the user of the wireless apparatus to allow shared use of its wireless resources with proximal wireless units (as suggested by Malackowski at column 3 lines 1-12).

As to claims 2-7 and 10, it is apparent that as the combination of the AAPA, Luzzatto and Malackowski is made for the reasons as set forth above, the above combination would read on the claimed limitations.

As to claim 9, the combination of AAPA, Luzzatto and Malackowski does not disclose an optical local area network. However, examiner takes Official notice that optical local area network is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to adapt the well known optical local area network to the combination above in order to provide the same service using optical medium as a system design preference.

5. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luzzatto (US 5,689,802) in view of Malackowski et al. (US 5,752,186).

Regarding claim 11, Luzzatto discloses a method for communicating information comprising: receiving data representing whether a user desires to participate in allowing a wireless apparatus to share its wireless resources with proximal wireless units (column 2, lines 35-38); determining whether the wireless apparatus will allow shared use of its wireless resource with proximal wireless units (see column 2 lines 31-38 and column 3 lines 19-66). Luzzatto fails to disclose providing a reward to the apparatus as recited in the claim. However, Malackowski discloses providing a reward to a communication apparatus when the user of the communication apparatus agrees to participate a service (see column 3 lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to

Art Unit: 2685

provide the above teaching of Malackowski to the method of Luzzatto, in order to encourage the user of the wireless apparatus to allow shared use of its wireless resources with proximal wireless units (as suggested by Malackowski at column 3 lines 1-12).

As to claims 12 and 13, it is apparent that as the combination of Luzzatto and Malackowski is made for the reasons as set forth above, the above combination would read on the claimed limitations.

6. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luzzatto (US 5,689,802).

As to claims 22 and 23, Luzzatto disclose the proximal wireless units communicate with each other via a wireless network (column 4, lines 14-21). Luzzatto does not specifically disclose the wireless network is a wireless wide area network or wireless local area network. However, examiner takes Official notice that wireless wide or local area network is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to adapt the well known wireless wide or local area network to the method of Luzzatto in order to provide the same service in the wireless wide or local area network as a system design preference.

Allowable Subject Matter

7. Claims 8 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 8 and 14, the combination of AAPA, Luzzatto, and Malackowski et al. does not teach or fairly suggest the steps of “generating a first message” and “generating a second message” as specified in claims.

8. Claims 15-20 are allowed over the cited prior art.

Regarding independent claim 15, AAPA, Luzzatto, and Malackowski et al. do not teach or fairly suggest and a wireless apparatus circuitry operative to generate a message for the wireless wide areas communication system (WAN) indicating whether the wireless apparatus will allow shared use of its local area network wireless resources with proximal wireless units that are in the wireless local area network as specified in the claim.

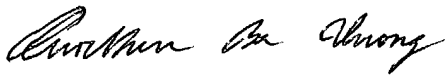
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B Vuong whose telephone number is (703) 306-4530. The examiner can normally be reached on M-F 9:30-18:00.

Art Unit: 2685

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QUOCHIEN B. VUONG
PRIMARY EXAMINER

Quochien B. Vuong

Dec. 23, 2004.